



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Swafford Industries--Reconsideration

**File:** B-238055.2

**Date:** July 30, 1990

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C.G. Tavares, for the protester.  
Maria Schwartz, Esq., and John Brosnan, Esq., Office of the  
General Counsel, GAO, participated in the preparation of the  
decision.

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### DIGEST

Dismissal of protest as untimely is affirmed where on  
reconsideration protester contends that it was not read  
draft rejection letter as stated in the decision but does  
not deny that at the same time it was orally informed of the  
agency's rejection of its offer.

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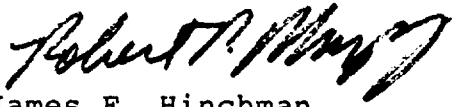
### DECISION

Swafford Industries requests reconsideration of our  
decision, Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD  
¶ 268, dismissing as untimely its protest of the rejection  
of the offers it submitted in response to four different  
requests for quotations issued by the Defense Logistics  
Agency for radio frequency cable assemblies. We dismissed  
the protest because we concluded that Swafford filed its  
protest more than 10 days after it was informed orally that  
its offers had been rejected.

The protester argues that contrary to what is stated in our  
decision it was not read a draft of the contracting  
officer's letter rejecting its offer in early November.  
While not denying that it was in fact informed orally at  
that time that its offers had been rejected because they  
contained allegedly conflicting data concerning the surplus  
items offered, the protester contends that it orally  
complained about the proposal rejection and did not file a  
written protest until it was informed on December 4 that  
another firm had received the award.

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The fact remains that Swafford was informed orally in early November that its offers would be rejected because in the agency's view they contained contradictory data. A protester's receipt of oral information is sufficient to start the 10-day time period for filing a protest running, Bottom Line Servs., Inc., B-235800, Aug. 8, 1989, 89-2 CPD ¶ 115, and Swafford's attempts to orally persuade the agency to change its position before filing its protest did not toll the timeliness requirement. Tandy Contr. Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206. We therefore affirm our conclusion that Swafford's December 15 protest to our Office was untimely.<sup>1/</sup>

  
James F. Hinchman  
General Counsel

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<sup>1/</sup> Notwithstanding the fact that we dismissed the protest as untimely our original decision also concluded that the agency's rejection of Swafford's offers was proper. The protester also requests reconsideration of that portion of our decision essentially setting forth the same arguments it made earlier. Repetition of arguments made during the original protest does not provide a basis for reconsideration. Brown Assocs. Management Servs. Inc.--Request for Reconsideration, B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.